

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

MISBAH AHMED,

Plaintiff,

vs.

STATE AUTO PROPERTY AND
CASUALTY INSURANCE COMPANY;
and BAKER-HARRIS HOPKINS
INSURANCE,

Defendants.

Case No. CIV-14-1352-M

Formerly Oklahoma County
Case No. CJ-2014-3147

NOTICE OF REMOVAL

1. State Auto Property and Casualty Insurance Company is a defendant in a civil case brought against it in the District Court of Oklahoma County, state of Oklahoma, titled *Misbah Ahmed. v. State Auto Property and Casualty Insurance Company; and Baker-Harris Hopkins Insurance, Defendant* Case No. CJ-2014-3147.

2. True, correct and legible copies of Plaintiff's Petition, Summons and the state court docket sheet are attached as Exhibits 1, 2, and 3, respectively. Other pleadings filed to date are as follows:

- Entry of Appearance – Lynn Babb, Exhibit 4;
- Entry of Appearance – Amy Neathery, Exhibit 5;
- State Auto's Motion for Partial Dismissal, Exhibit 6;
- Motion to Disqualify Out-of-State Counsel, Exhibit 7;

- Plaintiff's Response to State Auto's Motion to Disqualify Out-of-State Counsel, Exhibit 8;
- Plaintiff's Response to State Auto Motion for Partial Dismissal, Exhibit 9;
- State Auto's Reply to Plaintiff's Response to State Auto's Motion to Disqualify, Exhibit 10;
- State Auto's Reply to Plaintiff's Response to State Auto's Motion for Partial Dismissal, Exhibit 11;
- Dismissal Without Prejudice, Exhibit 12; and
- Notice of Hearing, Exhibit 13.

3. Plaintiff filed the state court action on May 30, 2014, in Oklahoma County, state of Oklahoma. Exhibit 1, Petition.

4. In its Petition, Plaintiff alleges it is a citizen of Oklahoma. Exhibit 1, ¶1. Defendant, State Auto Property and Casualty Insurance Company is a corporation incorporated under the laws of the state of Ohio, and is an insurance company registered to engage in the business of insurance in the state of Oklahoma. Exhibit 1, ¶2.

5. Plaintiff alleges that it is entitled to payment of all contractual benefits for all coverages in excess of \$75,000 afforded under the subject policy of insurance for damage to its business and personal property. Exhibit 9, Plaintiff's Response to Motion for Partial Dismissal, pp.11-13.

6. Pursuant to 28 U.S.C §§ 1441 and 1446, State Auto removes this action to the United States District Court for the Western District of Oklahoma.

7. As demonstrated herein, there is complete diversity of citizenship between Plaintiff and Defendant, and the amount in controversy exceeds this Court's minimum jurisdictional limit, giving this Court original jurisdiction pursuant to 28 U.S.C. § 1332(a)(1).

8. This Notice of Removal is filed within thirty (30) days following receipt of pleadings making this case removable. Removal has thus been timely accomplished.

9. Written notice of the filing of this Notice of Removal will be promptly provided to Plaintiff's counsel via regular mail. Also, a copy of this Notice of Removal will be filed with the clerk of the District Court of Oklahoma County, state of Oklahoma, as provided by 28 U.S.C. § 1446(d).

WHEREFORE, Defendant Philadelphia Indemnity Insurance Company removes this action to this Court, invoking this Court's jurisdiction.

Respectfully submitted,

PIERCE COUCH HENDRICKSON
BAYSINGER & GREEN, L.L.P.

s/Amy S. Neathery

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**ATTORNEYS FOR DEFENDANT
STATE AUTO PROPERTY AND
CASUALTY INSURANCE COMPANY**

CERTIFICATE OF SERVICE

This is to certify that on the 8th day of December, 2014, a true and correct copy of the above and foregoing was mailed, with postage thereon fully prepaid, to the following counsel of record:

J. Drew Houghton
FOSHEE & YAFFE
Post Office Box 890420
Oklahoma City, OK 73189-0420

s/Amy S. Neathery
Amy S. Neathery